

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

OKLAHOMA FIREFIGHTERS )  
PENSION & RETIREMENT SYSTEM, )  
*Individually And On Behalf Of All Others* )  
*Similarly Situated,* )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
K12, INC., *et al.*, )  
 )  
Defendants. )  
\_\_\_\_\_ )

Civil Action No. 1:14cv0108 (AJT/JFA)

**ORDER**

On May 23, 2014, plaintiffs filed an amended complaint, citing violations of Sections 10(b), 20(a), and 20A of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78j(b), 78t(a), and 78t-1, and the rules and regulations promulgated thereunder. (Docket no. 38). On June 20, 2014, defendants filed a motion to dismiss (Docket no. 39) and a notice setting a hearing on the motion for August 8, 2014 (Docket no. 41). On June 23, 2014 the court entered a Scheduling Order allowing discovery to begin and setting dates for initial and final pretrial conferences. (Docket no. 42). Upon further review, it appears that allowing discovery at this stage of the proceeding is premature.

The Private Securities Litigation Reform Act ("PSLRA"), 15 U.S.C. § 78u-4(b)(3)(B) stays discovery while any motion to dismiss is pending, absent certain circumstances. The PSLRA provides, in pertinent part:

In any private action arising under this chapter, all discovery and other proceedings shall be stayed during the pendency of any motion to dismiss, unless the court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party.

15 U.S.C.A. § 78u-4 (West 2010). Given that a motion to dismiss is pending and neither party has filed a motion seeking such particularized discovery, it appears there is no reason to lift the automatic stay provided by the PSLRA. Accordingly, it is hereby

ORDERED that discovery shall be stayed until the pending motion to dismiss is decided and the initial pretrial conference scheduled for July 16, 2014 is cancelled. An initial pretrial conference will be scheduled following the ruling on the pending motion to dismiss, if necessary.

Entered this 26th day of June, 2014.

\_\_\_\_\_/s/ JFA  
John F. Anderson  
United States Magistrate Judge  
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John F. Anderson  
United States Magistrate Judge

Alexandria, Virginia